

CHAPTER 15

EROSION CONTROL

(Cr. #94-24)

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15.01 AUTHORITY.

This Chapter is adopted under the authority of §61.354, Wis. Stats.

15.02 FINDINGS AND PURPOSE.

- (1) **FINDINGS.** The Village Board of Trustees finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the state and this Village.
- (2) **PURPOSE.** It is the purpose of this chapter to preserve the natural resources; to protect the quality of the waters of the state and the Village; and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to lakes, streams and wetlands.

15.03 APPLICABILITY.

This chapter applies to land disturbing activity and land developing activities on lands within the boundaries and jurisdiction of the Village and, optionally, to public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All state funded or conducted construction is exempted from this chapter.

15.04 DEFINITIONS.

Agricultural land use means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

Commercial land use means use of land for the retail or wholesale of goods or services.

Construction site control measure means a control measure used to meet the requirements of Section 15.07(2).

Control measure means a practice or combination of practices to control erosion and attendant pollution.

Control plan means a written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this chapter submitted by the applicant for review and approval by the Village Building Inspector.

Erosion means the detachment and movement of soil, sediment or rock fragment by water, wind, ice or gravity.

Land developing activity means the construction of buildings, roads, parking lots, paved storage areas and similar facilities.

Land disturbing construction activity means any man-made change of the land surface including removing vegetative cover, excavating, filling and grading but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; and harvesting of trees.

Landowner means any person holding title to or having an interest in land.

Land user means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Runoff means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

Set of one-year design storms means the following rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12, and 24 hours that occur approximately once per year.

<i>Storm Duration (hours)</i>	<i>Rain Intensity (inches/hour)</i>	<i>Total Rain (inches)</i>
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.4
3	0.5	1.5
6	0.3	1.3
12	0.2	2.4
24	0.1	2.4

Site means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

15.05 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES.

All control measures required to comply with this chapter shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Village.

15.06 MAINTENANCE OF CONTROL MEASURES.

All sedimentation basins and other control measures necessary to meet the requirements of this chapter shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

15.07 CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT.

(1) **APPLICABILITY.** This section applies to the following sites of land development or land disturbing activities:

- (a) Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.
- (b) Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.
- (c) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.
- (d) Those involving excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.
- (e) Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.
- (f) Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300' or more.

(2) **EROSION AND OTHER POLLUTANT CONTROL REQUIREMENTS.** The following requirements shall be met on all sites described in sub. (1):

- (a) **Site Dewatering.** Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators, or other appropriate controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. If the water is demonstrated to have no particles greater than

- 100 microns during dewatering operations, then no control is needed before discharge, except as determined by the Village Building Inspector. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
- (b) Waste and Material Disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.
 - (c) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
 - (d) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.
 - (e) Site Erosion Control. The following criteria (1. through 4.) apply only to land development or land disturbing activities that result in runoff leaving the site.
 - 1. Channelized runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected as described below in Section 15.07(2)(e)3.c. Sheet runoff from adjacent areas greater than 10,000 square feet in area shall also be diverted around disturbed areas, unless shown to have resultant runoff velocities of less than 0.5 ft/sec across the disturbed area for the set of one-year design storms. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. Soil Conservation Service guidelines for allowable velocities in different types of channels shall be followed.
 - 2. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.
 - 3. Runoff from the entire disturbed area on the site shall be controlled by meeting either subds. a. and b. or a. and c.
 - a. All disturbed ground left inactive for 7 or more days shall be stabilized by seeding or sodding (only available prior to September 15) or by mulching or covering, or other equivalent control measure.

- b. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed. Each sedimentation basin shall have a surface area of at least 1% of the area draining to the basin and at least 3' of depth and constructed in accordance with accepted design specifications. Sedimentation shall be removed to maintain a depth of 3'. The basin shall be designed to trap sediment greater than 15 microns in size, based on the set of one-year design storms having durations of from 0.5 to 24 hours. The basin discharge rate shall also be sufficiently low as to not cause erosion along the discharge channel or the receiving water.
 - c. For sites with less than 10 acres disturbed at one time, filter fences, straw bales, or equivalent control measures, shall be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel, edges to reduce sediment reaching the channel.
4. Any soil or dirt storage piles containing more than 10 cubic yards of material should not be located with a downslope drainage length of less than 25' to a roadway or drainage channel. If remaining for more than 7 days, they shall be stabilized by mulching, vegetative cover, tarps or other means. Erosion from piles which will be in existence for less than 7 days shall be controlled by placing straw bales or filter fence barriers around the pile. In street utility repair or construction soil or dirt storage piles located closer than 25' of a roadway or drainage channel must be covered with tarps or suitable alternative control, if exposed for more than 7 days, the storm drain inlets must be protected with straw bales or other appropriate filtering barriers.

15.08 PERMIT APPLICATION, CONTROL PLAN, AND PERMIT ISSUANCE.

No landowner or land user may commence a land disturbance or land development activity subject to this chapter without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this chapter shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Building Inspector to enter the site to obtain information required of the review of the control plan.

(1) CONTENT OF THE CONTROL PLAN FOR LAND DISTURBING ACTIVITIES COVERING MORE THAN ONE ACRE.

(a) Existing Site Map. A map of existing site conditions on a scale of at least 1" equals 100' showing the site and immediate adjacent areas:

1. Site boundaries and adjacent lands which accurately identify the site location.
2. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site.
3. 100-year floodplains, flood fringes and floodways.
4. Location of predominant soil types.
5. Vegetative cover.
6. Locations and dimensions of storm water drainage systems and natural drainage pattern on and immediately adjacent to the site.
7. Locations and dimensions of utilities, structures, roads, highways and paving.
8. Site topography at a contour interval not to exceed 2'.

(b) Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

(c) Site Construction Plan. A site construction plan including:

1. Locations and dimensions of all proposed land disturbing activities.
2. Location and dimensions of all temporary soil or dirt stockpiles.
3. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this chapter.
4. Schedule of anticipated starting and completion date of each land disturbing or land developing activity including the installation of construction site control measures needed to meet the requirements of this chapter.

5. Provisions for maintenance of the construction site control measures during construction.
- (2) **CONTENT OF CONTROL PLAN STATEMENT FOR LAND DISTURBING ACTIVITIES COVERING LESS THAN ONE ACRE, BUT MEETING THE APPLICABILITY STATED IN 15.07(1).** An erosion control plan statement (with simple map) shall be submitted to briefly describe the site and erosion controls (including the site development schedule) that will be used to meet the requirements of this chapter.
 - (3) **REVIEW OF CONTROL PLAN.** Within 45 days of receipt of the application, control plan (or control plan statement) and fee, the Village Building Inspector shall review the application and control plan to determine if the requirements of this chapter are met. The Building Inspector may request comments from other departments or agencies, if the requirements of this chapter are met, the Village Building Inspector shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Building Inspector shall inform the applicant in writing and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Building Inspector shall again determine if the plan meets the requirements of this chapter. If the plan is disapproved the Building Inspector shall inform the applicant in writing the reasons for the disapproval.
 - (4) **PERMITS.**
 - (a) Duration. Permits shall be valid for a period of 180 days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional 180 days. The Building Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this chapter.
 - (b) Surety Bond. As a condition of approval and issuance of the permit, the Building Inspector may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved control plan and any permit conditions.
 - (c) Permit Conditions. All permits shall require the permittee to:
 1. Notify the Building Inspector within 48 hours of commencing any land disturbing activity.

2. Notify the Building Inspector of completion of any control measures within 14 days after their installation.
3. Obtain permission in writing from the Building Inspector prior to modifying the control plan
4. Install all control measures as identified in the approved control plan.
5. Maintain all road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan.
6. Repair any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities.
7. Inspect the construction control measures after each rain of ½" or more and at least once each week and make needed repairs.
8. Allow the Building Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
9. Keep a copy of the control plan on site.

15.09 INSPECTION.

The Building Inspector shall inspect construction sites at least once a month during the period starting March 1 and ending October 31 and at least 2 times during the period starting November 1 and ending February 28 to ensure compliance with the control plan.

If land disturbing or land development activities are being carried out without a permit, the Building Inspector is authorized to enter upon the land pursuant to the provisions of §§66.122 and 66.123, Wis. Stats.

15.10 ENFORCEMENT.

- (1) The Building Inspector may post a stop-work order if:
 - (a) Any land disturbing or land development activity regulated under this chapter is being undertaken without a permit.
 - (b) The control plan is not being implemented in a good faith manner.
 - (c) The conditions of the permit are not being met.

The Building Inspector shall also attempt to serve a copy of the stop-work order upon the permittee, who shall have the right to request an informal hearing as to why the stop-work order should be retracted.

- (2) If the stop-work order has not been retracted and if the permittee does not cease the activity or comply with the control plan or permit conditions within 10 days, the Building Inspector may revoke the permit.
- (3) If the landowner or land user where no permit has been issued does not cease activity within 10 days, the Building Inspector may request the Village Attorney to obtain a cease and desist order.
- (4) The Building Inspector or the Board of Appeals may retract the stop-work order or the revocation.
- (5) Ten days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of the Building Inspector's intent to perform work necessary to comply with this chapter. The Building Inspector shall cause a copy of the notice of intent to be served upon the permittee, who shall have a right to request a hearing as to why the Building Inspector should not proceed as specified in the notice of intent. The Building Inspector may go on the land and commence the work after 14 days from issuing the notice of intent. The cost of the work performed by the Building Inspector plus interest at the rate authorized by the Village Board shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to §66.60(16), Wis. Stats.
- (6) Any person violating any of the provisions of this chapter shall be subject to the forfeiture of not less than \$5 nor more than \$500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.
- (7) Compliance with the provisions of this chapter may also be enforced by injunction.

15.11 APPEALS.

- (1) **BOARD OF APPEALS.** The Board of Appeals created pursuant to Section 17.40 of the Village Zoning Ordinance pursuant to §62.23(7)(e), Wis. Stats.:
 - (a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Building Inspector in administering this chapter.

- (b) Upon appeal, may authorize variances from the provisions of this chapter which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the chapter will result in unnecessary hardship.
 - (c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.
- (2) **WHO MAY APPEAL.** Any applicant, permittee, landowner, or land user may appeal any order, decision or determination made by the Building Inspector in administering this chapter.